

1993

Annual Report

of the

Citizen Police Complaint Commission

Prepared By:

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Erroll G. Southers
Executive Director

Citizen Police Complaint Commission

Commissioner Michael J. Pearce, Chairman

Commissioner Wendell W. Whisenton, Vice Chairman

Commissioner Jeff Baker

Commissioner Paul C. Blanco

Commissioner Naomi C. Ferns

Commissioner Ernest Gualderon

*Commissioner Tim Hickman

*Commissioner Robert C. Johnson

Commissioner Ellen Mary Martinez

Commissioner John D. Perone

Commissioner Paul Self

Commissioner Barbara Shoag

Commissioner Edward Velazquez

*(Commissioners who served in 1993)

Executive Director
Erroll G. Southers

Commission Secretary
Jessie Oliva

Commission Investigators
Helga Kennedy
Marlene Lopez
Ivory Webb



Date: July 14, 1994

To: Commissioners, Citizen Police Complaint Commission

From: Erroll G. Southers, Executive Director, CPCC *EgS*

Subject: ANNUAL STAFF REPORT - 1993

The Citizen Police Complaint Commission (CPCC) and its staff has been in operation for three full years. 1992 was - to a great extent - a period of adjustment to a very delicate, sensitive and independent function of government in the City of Long Beach. 1992 saw the Commission establish a firm foundation under the guidance of Executive Director Joseph T. Rouzan, Jr., as it addressed some very serious and high-profile complaints of misconduct. A new Executive Director, Erroll Southers, was appointed by the City Manager on November 1, 1993.

The Commission, charged with the responsibility to receive and investigate complaints of police officer misconduct, has developed an operational system that is effective and responsive. A computerized tracking and process system is in the final stages of becoming fully operational. This system gives us the ability to facilitate comprehensive analyses of statistical data for the purpose of identifying trends or patterns of officer misconduct.

Citizen review boards have become increasingly accepted as a means of improving police-community relations and promoting citizen oversight of law enforcement agencies. Thirty of the 50 largest U.S. cities now use citizen review boards, with 15 of those created since 1986. While there has been - and will be - much debate on whether the police, civilians, or a combination of the two, should investigate complaints of police misconduct, the Citizen Police Complaint Commission has displayed a position of confidence in the present management of the Department. The Commission reviews the results of the Police Department complaint and investigation process with the authority to discount any part of, or all of, its findings.

The Commission's primary role is that of fact-finding. It is neither an advocate for the Complainant nor for the police employee. The Commission's concern is that professional conduct be maintained at all times. As this becomes a reality, allegations of police misconduct are reduced and the bond between community and police is greatly strengthened.

The investigative process is directed toward the review of police actions. Complaints that are handled through the Police Department are reviewed and analyzed by the Commission for thoroughness and accuracy. CPCC staff routinely re-contacts Complainants and available witnesses to ensure that a thorough investigation has been conducted. If after that process, the Commission is dissatisfied with the police investigation, a request is made for additional information or re-investigation by the Department.

Although the Commission Investigators are empowered to conduct investigations independent from the Police Department, such investigations are only necessary when the Police Department has failed to adequately address each allegation. This has not been a significant problem, and excellent cooperation from the Department, particularly the Internal Affairs Division, has been experienced. Police Department findings and actions are not considered by the Commission in exercising their independent analysis and findings.

Definitions of CPCC findings are as follows:

UNFOUNDED

When the complaint clearly has no basis or foundation in fact, and there is no information or evidence that supports the complaint and/or the Complainant has been found to be untruthful based on factual information.

EXONERATED

When the act complained of did occur, and under normal conditions, would be considered misconduct; however, mitigating circumstances in the judgement of the Commission make the act appropriate and proper.

INCONCLUSIVE

When the allegations cannot be verified by evidence, information or independent witnesses and the officers deny the allegation and there are no independent witnesses to support the officer's statements.

SUSTAINED

When the act or failure to act is established and is misconduct and that act or failure to act is supported by evidence, information or independent witnesses.

The fact that the Internal Affairs Division Commander is present at the Public Session of each Commission meeting and the Police Officers' Association has an open invitation to address the Commission, diffuses the potential for officer animosity. Conversely, considerable effort has been made to advise Complainants of the Commission meeting date, at which time their case will be heard so that they may exercise their right to be present. The Complainant is advised by staff that he/she may address the Commission; however, no discussion or deliberation is made in the public session.

The Commission clearly identifies "improving police effectiveness" by objectively investigating complaints as a major goal. One responsibility is to determine when employee behavior is inappropriate and bring that information to the attention the City Manager. An additional objective of the Commission is to refer to the police administration, occurrences and incidents that may not be acts of misconduct but appear to require management attention.

If the City of Long Beach is to truly embrace the concept of community-oriented policing, this mechanism of feedback to the Police Department serves to heighten the learning process in understanding community values and community expectations of their police. This enhances service delivery opportunities and assists in gaining community approval and support.

COMPLAINTS

With the full cooperation of the Chief of Police, the Commission received virtually all complaints filed with the Police Department in 1993. There was a decrease in the overall number of complaints from the previous year (See Figure 1-A).

1991 - 92 Complaints*
1992 - 278 Complaints
1993 - 241 Complaints

The source of the 241 complaints is as follows:

175 (73%) - Via LBPD
66 (27%) - Direct to CPCC

The breakdown of the 66 complaints received by CPCC is as follows:

47 (71%) - Via Telephone
13 (20%) - Personal Contact
6 (9%) - Via Letter (See Figure 1-B)

* Partial Information

Complaints (Continued)

The months of October and November 1993 showed the period of greatest activity. Sixty-one (25%) of the total 241 complaints were generated from incidents occurring in those two months (See Figure 1-C).

ALLEGATIONS	1992	1993
Use of Force	259 (42%)	128 (23%)
Unprofessional Conduct	202 (32%)	193 (35%)
Improper Conduct	100 (16%)	116 (21%)
Neglect of Duty	46 (7%)	91 (17%)

(See Figures 2-A through 2-D)

Some noteworthy observations for 1993 are:

- Unprofessional Conduct complaints of Profanity (46), Discourtesy (43) and Offensive Language (41) were the most prevalent.
- Neglect of Duty complaints of Failure to Take Appropriate Action (45), were also a major area of dissatisfaction.

(A comparison of the 4 categories of allegations listed above is illustrated in Figure 2-E.)

Because there are 11 investigations pending from 1993, this report will be amended to reflect the findings of those cases when they have been determined. **Unless otherwise indicated, all figures account for the 230 complaints that have been processed to date.**

FINDINGS

Of the 241 complaints assigned for investigation, 221 (92%) have been processed and findings have been forwarded to the City Manager. Sustained findings as compared to findings of Exonerated, Inconclusive and Unfounded are illustrated in Figure 3-A.

Findings (Continued)

Findings for 221 cases presented to date are:

Sustained	69 (13 %)
Exonerated	29 (6%)
Inconclusive	229 (44 %)
Unfounded	149 (28 %)
Receive & File	35 (7%)
Re-Investigate	13 (2%)

(See Figure 3-B)

STATISTICAL BREAKDOWN

Complainants by Gender	1991	1992	1993
Male Complainants	64%	58%	64%
Female Complainants	36%	42%	36%

(See Figure 4)

Complainants by Race	1991	1992	1993
White	36%	36%	36%
Black	47%	37%	33%
Hispanic	16%	16%	16%
Asian and/or other	--	--	9%
Not Determined	--	10%	7%

● These figures are rounded to the nearest highest percent

(See Figure 5)

(A comparison of Gender/Race is illustrated in Figure 6.)

Population Demographics	Population Percentage City of Long Beach 1990	Complainants 1993
White	50%	36%
Black	13%	33%
Hispanic	24%	16%
Asian and/or others	14%	9%
Not Determined	---	7%

● These figures are rounded to the nearest highest percent

(See Figure 7-A and 7-B)

Complainants by Age	1993 Total	1993 Percentage
Unreported	43	18%
Under 18 Years	6	2%
Under 25 Years	23	10%
Under 35 Years	87	36%
Under 45 Years	57	24%
Under 55 Years	20	8%
Over 55 Years	5	2%

(See Figure 8)

ARRESTS AND INJURIES

In 1993, the relationship between Complainants who were arrested and/or injured in 241 cases is as follows:

- 84 (35%) personnel complaints were filed after the Complainant was taken into custody (See Figure 9).
- 55 (23%) of 241 Complainants alleged they were injured during their contact with the police (See Figure 10).

The breakdown of those 55 Complainants is as follows:

- 35 (15%) Complainants were arrested and claimed to be injured by officers.
- 20 (8%) Complainants, alleging officers injured them, were not taken into custody.

OFFICERS INVOLVED

Of 230 complaints, 217 individual officers were accused of misconduct. It is of particular note that five officers collectively received 25 complaints during the calendar year. Two of those officers received 13 complaints in the 12-month period.

EGS:jmo
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Attachments

cc: James C. Hankla, City Manager
Henry Taboada, Assistant City Manager
Joseph T. Rouzan, Jr., Deputy City Manager
John R. Calhoun, City Attorney
Robert E. Shannon, Assistant City Attorney

CITIZEN POLICE COMPLAINT COMMISSION
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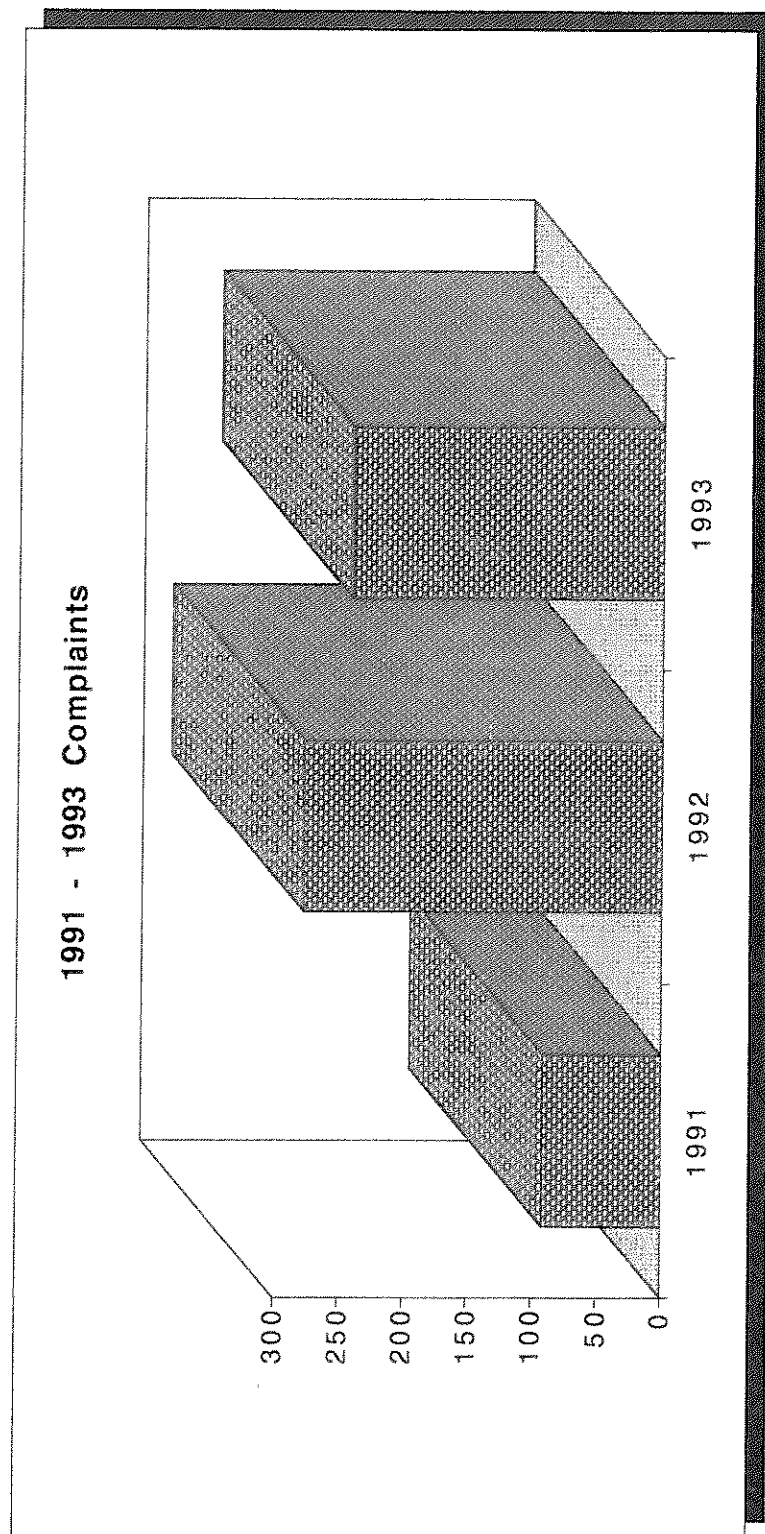
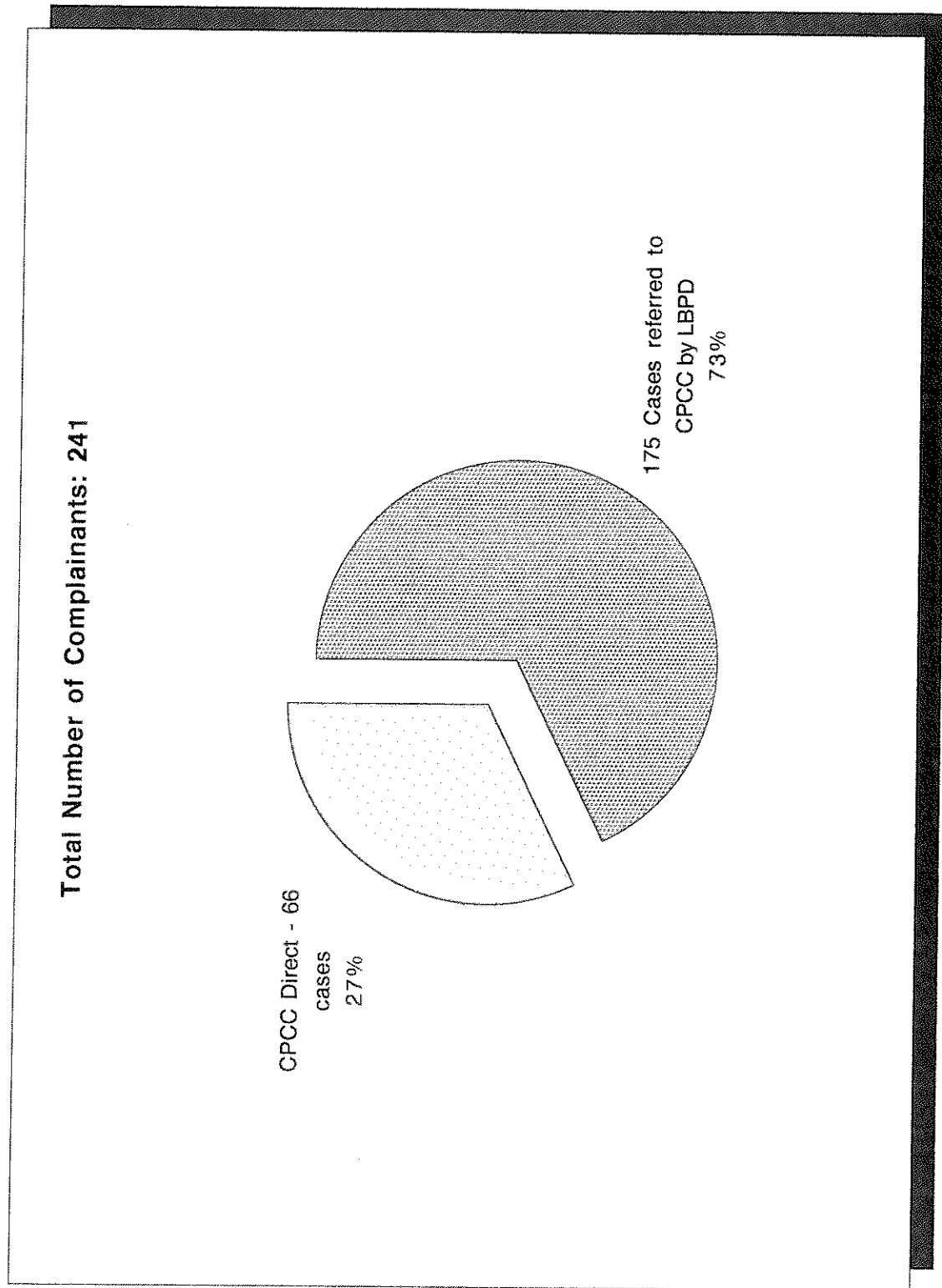


Figure 1-A

CITIZEN POLICE COMPLAINT COMMISSION
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Figure 1-B



CITIZEN POLICE COMPLAINT COMMISSION
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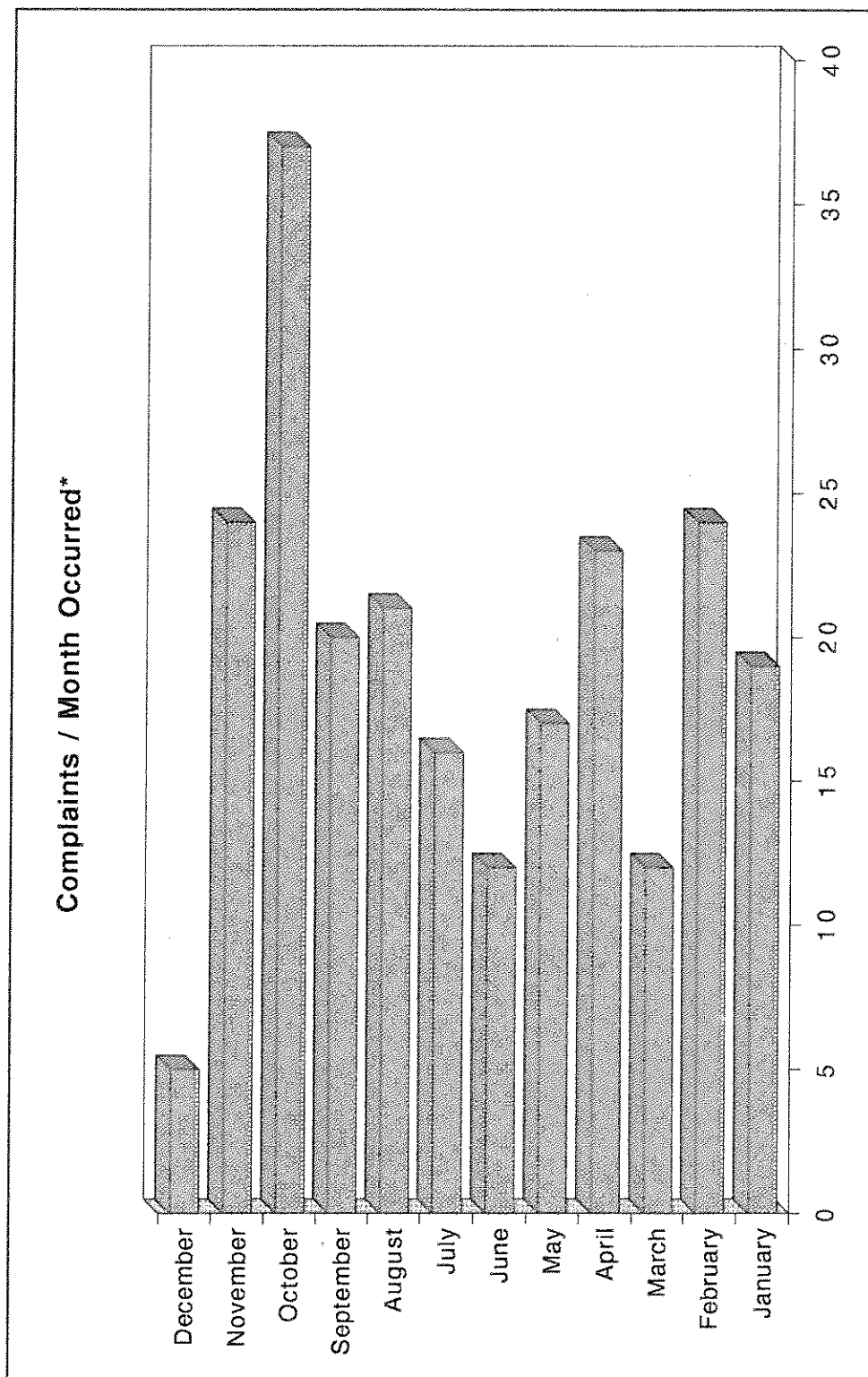


Figure 1-C

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Use of Force (128 Allegations)

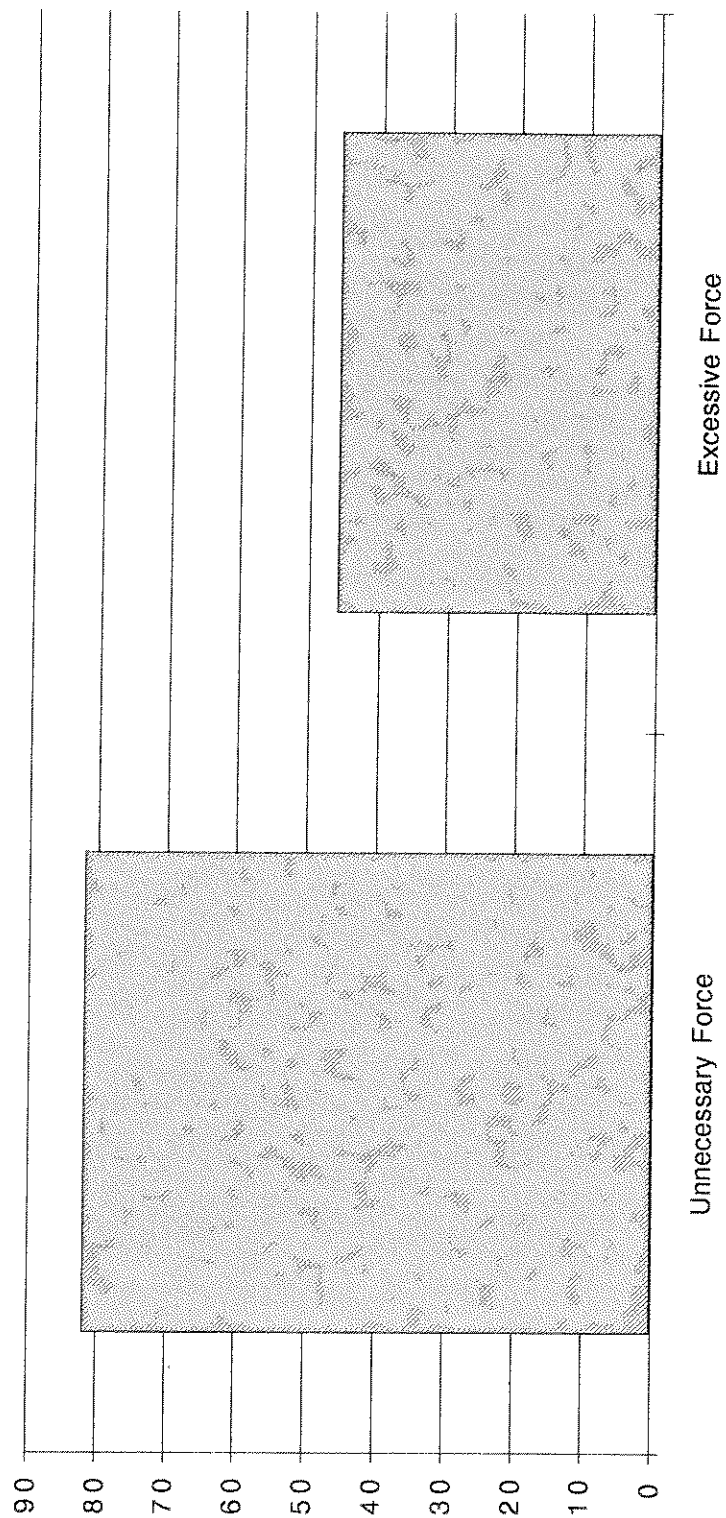
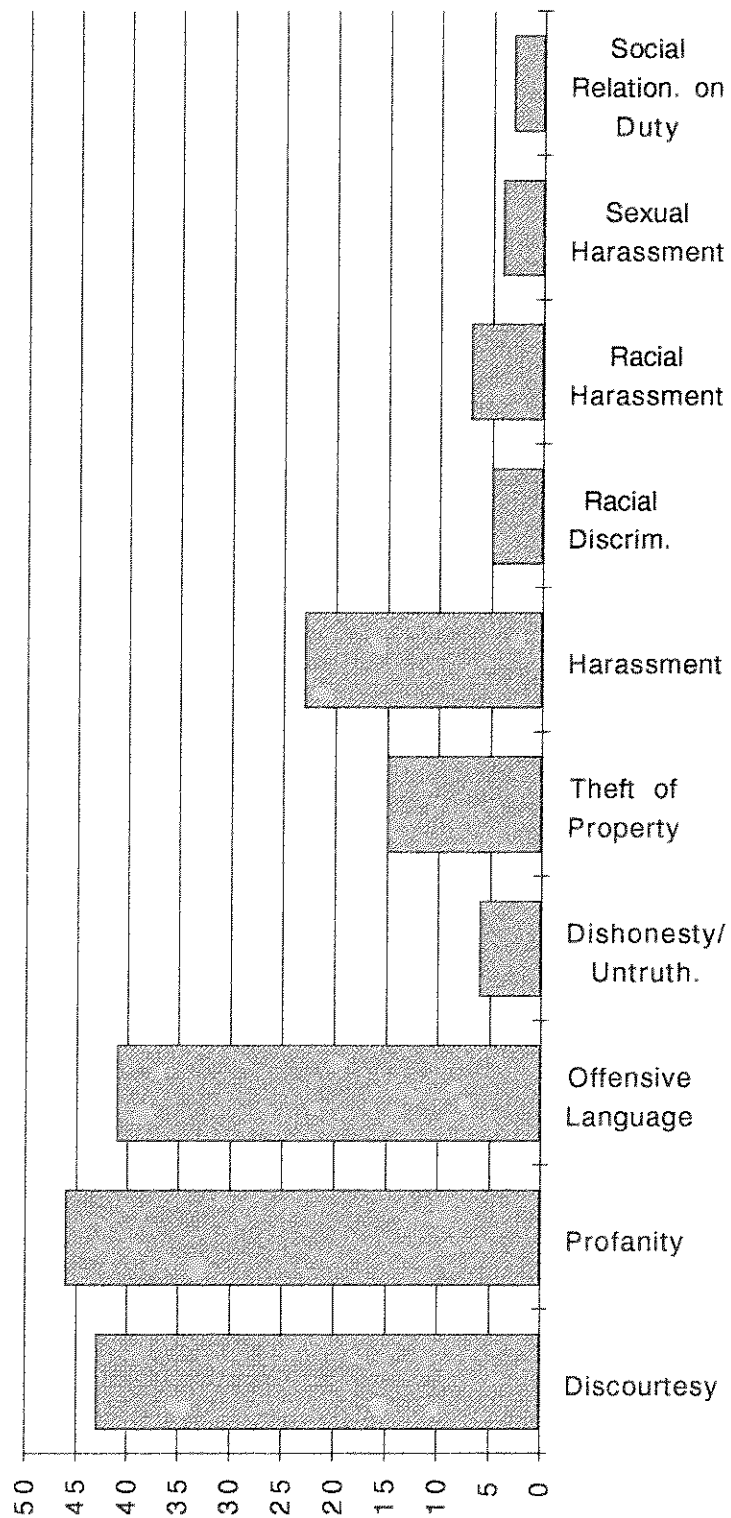


Figure 2-A

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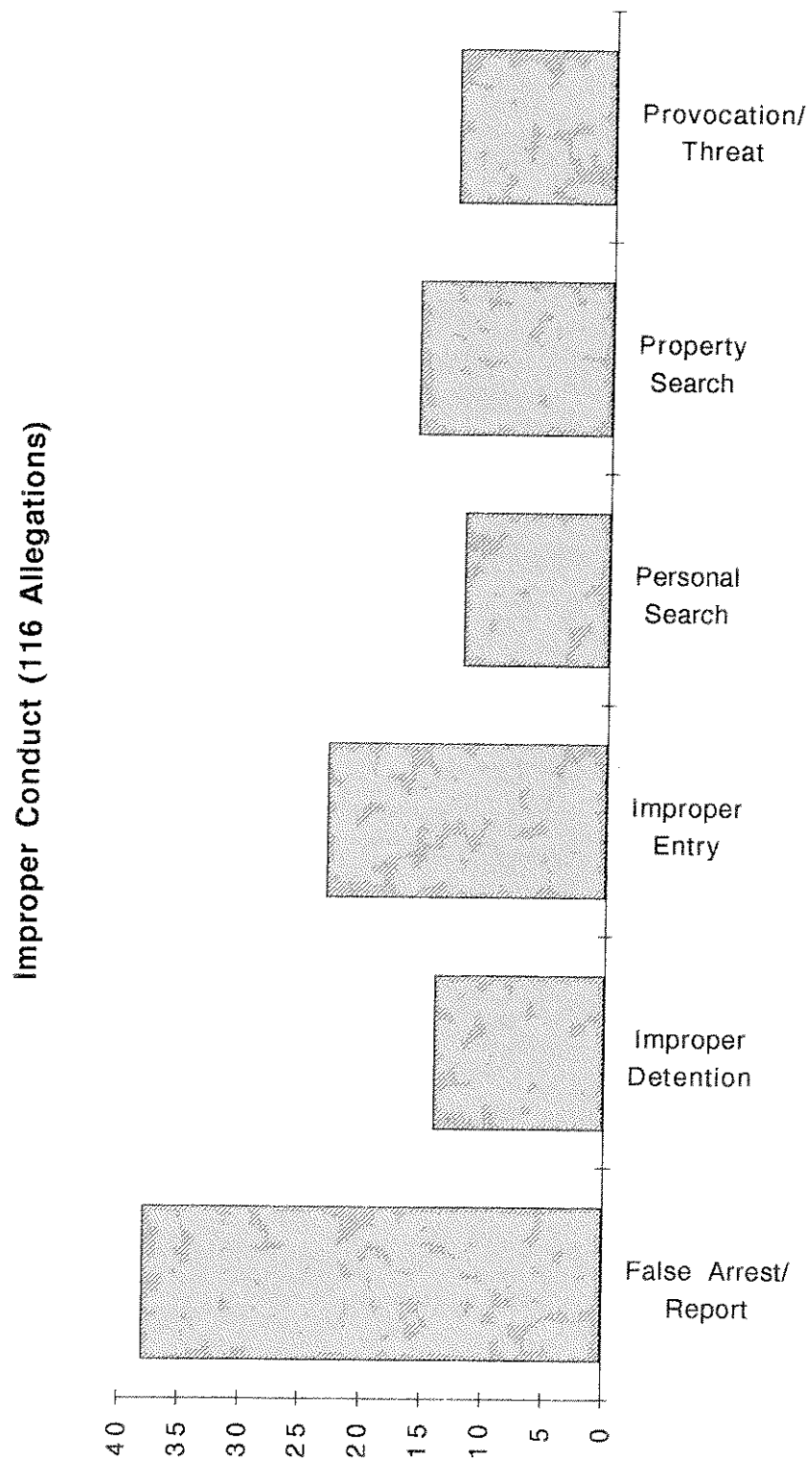
Figure 2-B

Unprofessional Conduct (193 Allegations)



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Figure 2-C



CITIZEN POLICE COMPLAINT COMMISSION
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Neglect of Duty (91 Allegations)

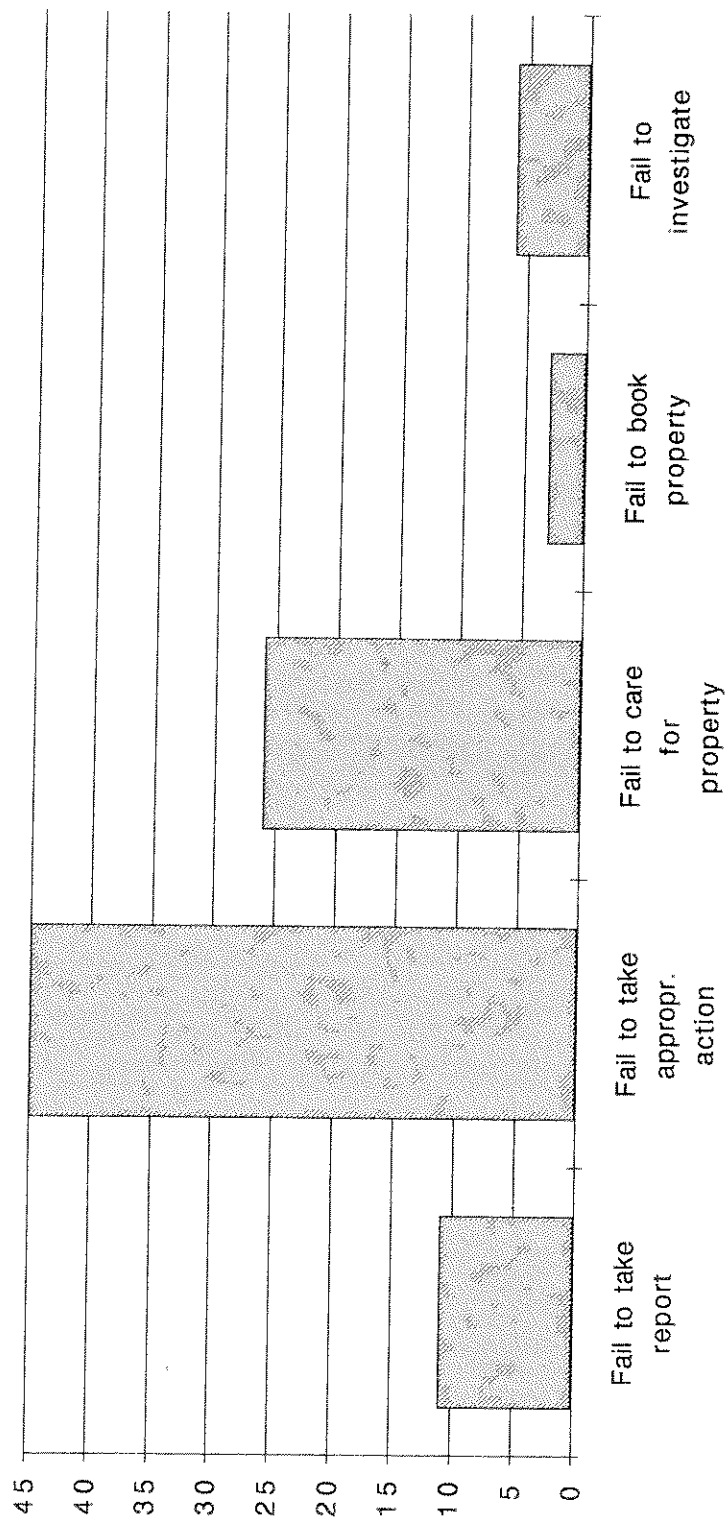


Figure 2-D

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Allegations of Misconduct (230 cases containing 546 Allegations)

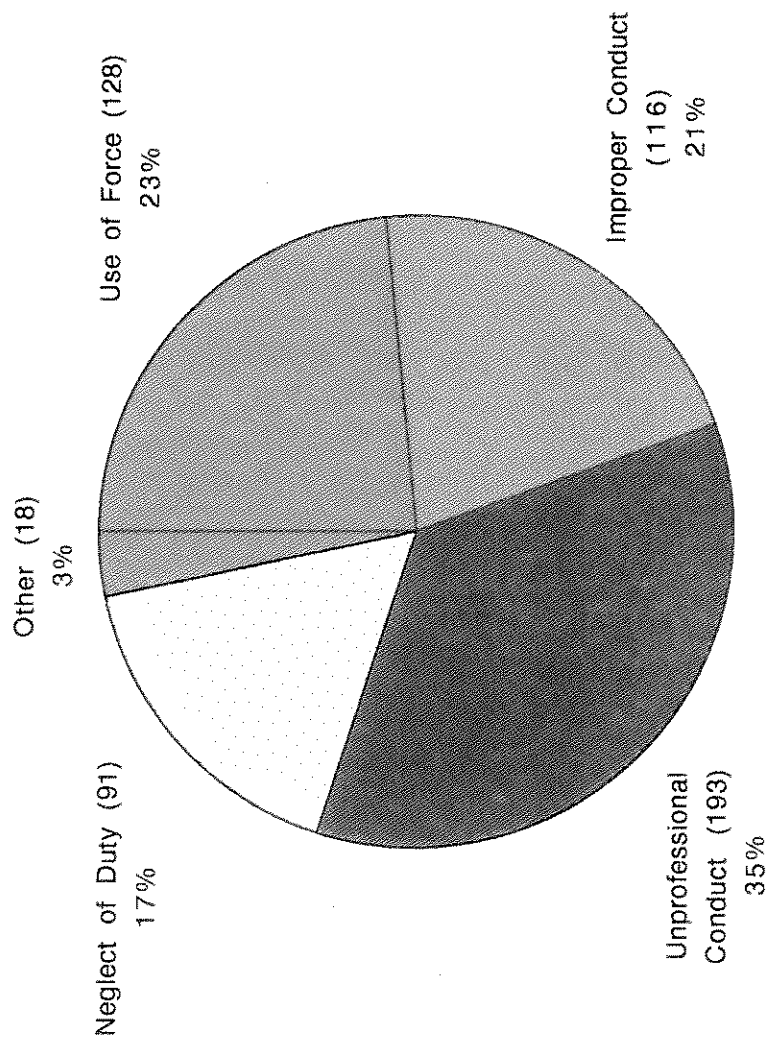


Figure 2-E

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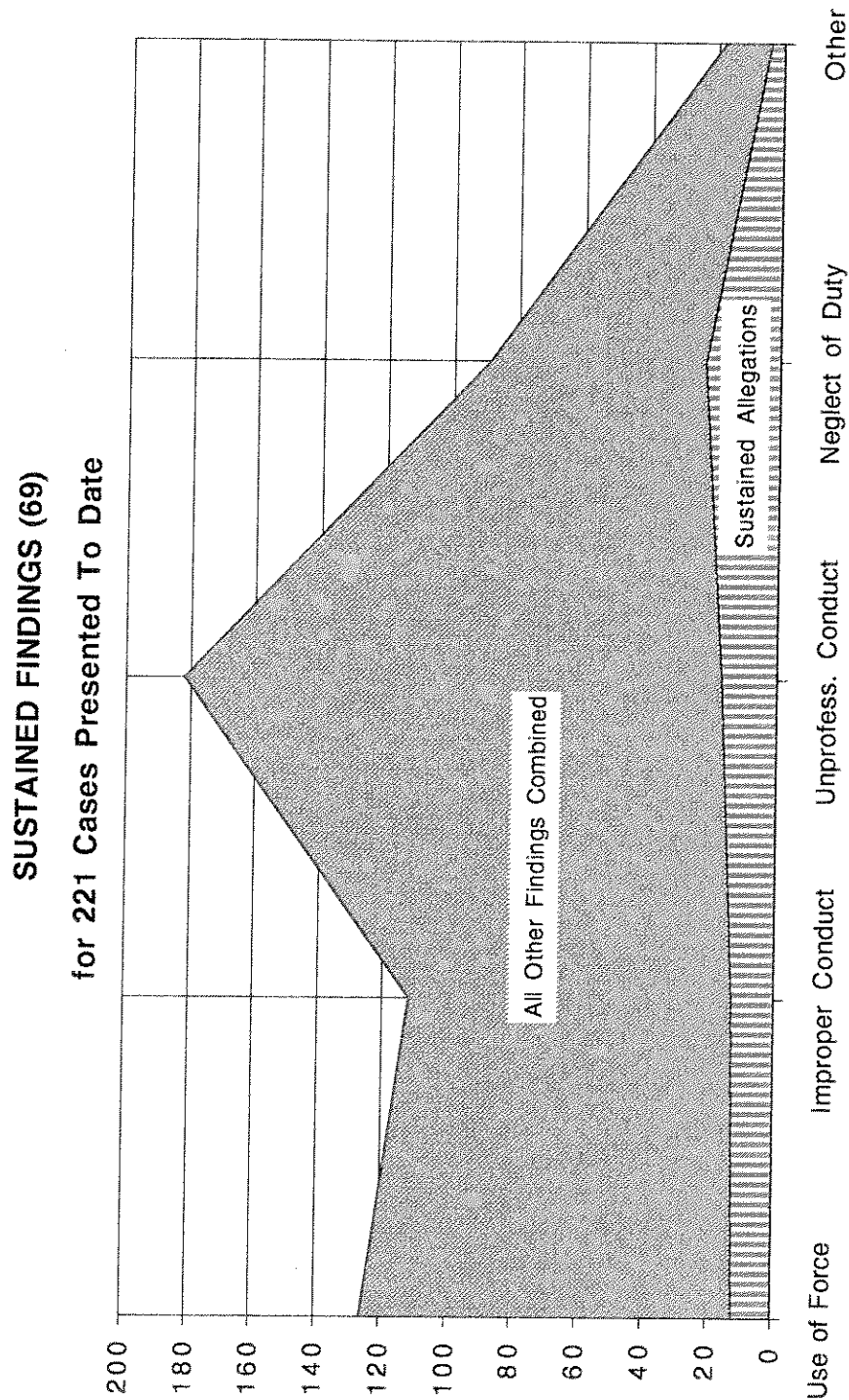


Figure 3-A

CITIZEN POLICE COMPLAINT COMMISSION 1993 Annual Report

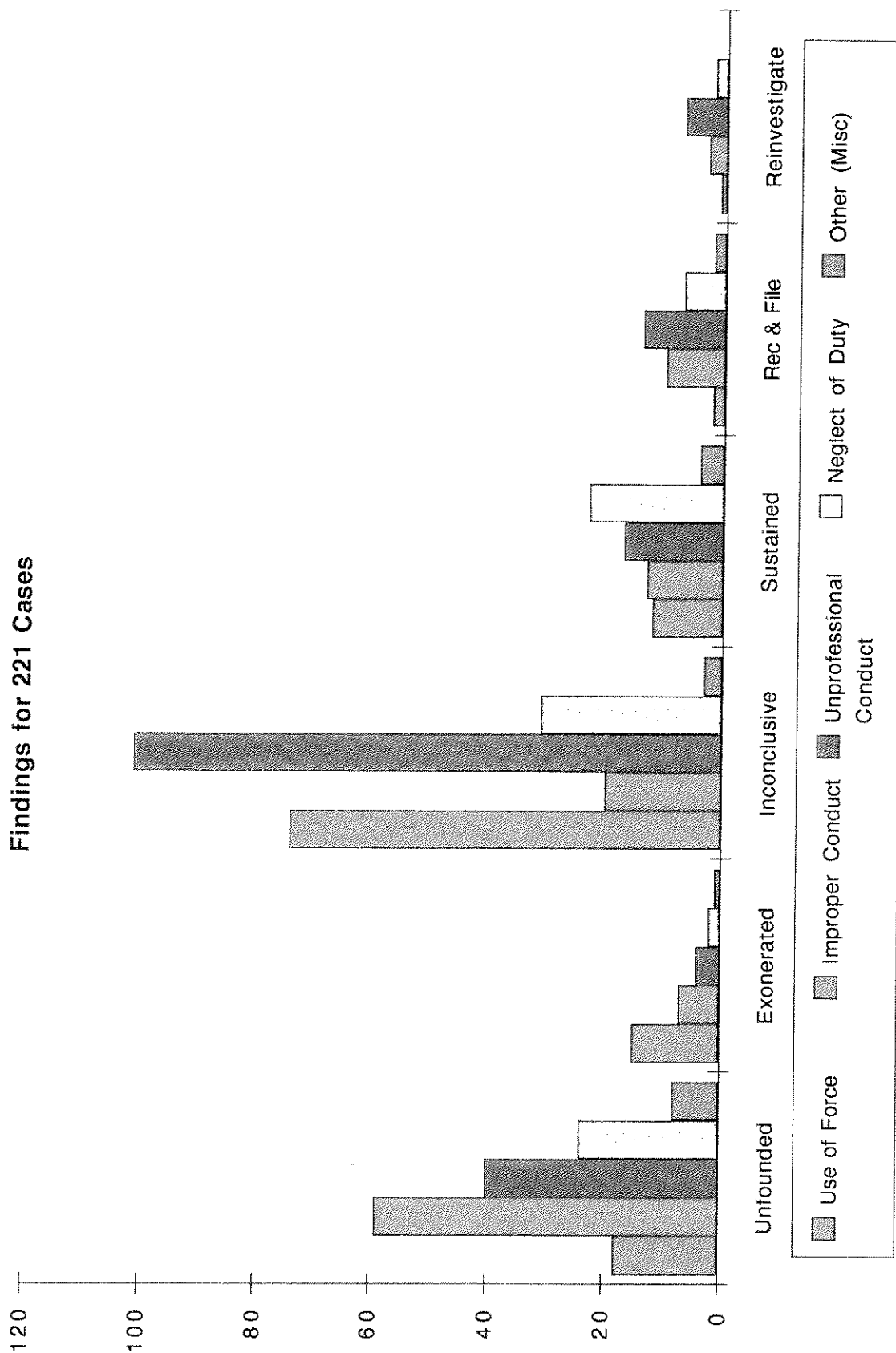


Figure 3-B

CITIZEN POLICE COMPLAINT COMMISSION
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Gender of Complainants (Total: 241)

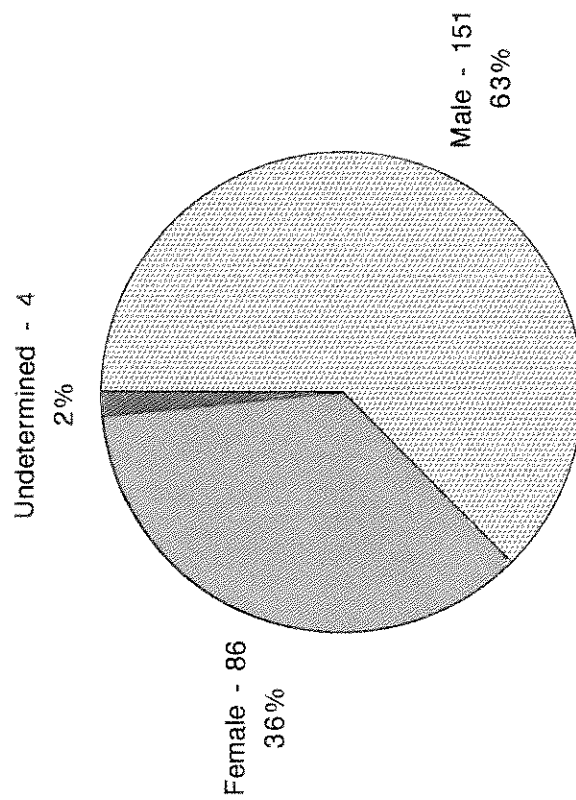


Figure 4

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Race of Complainants (Total: 241)

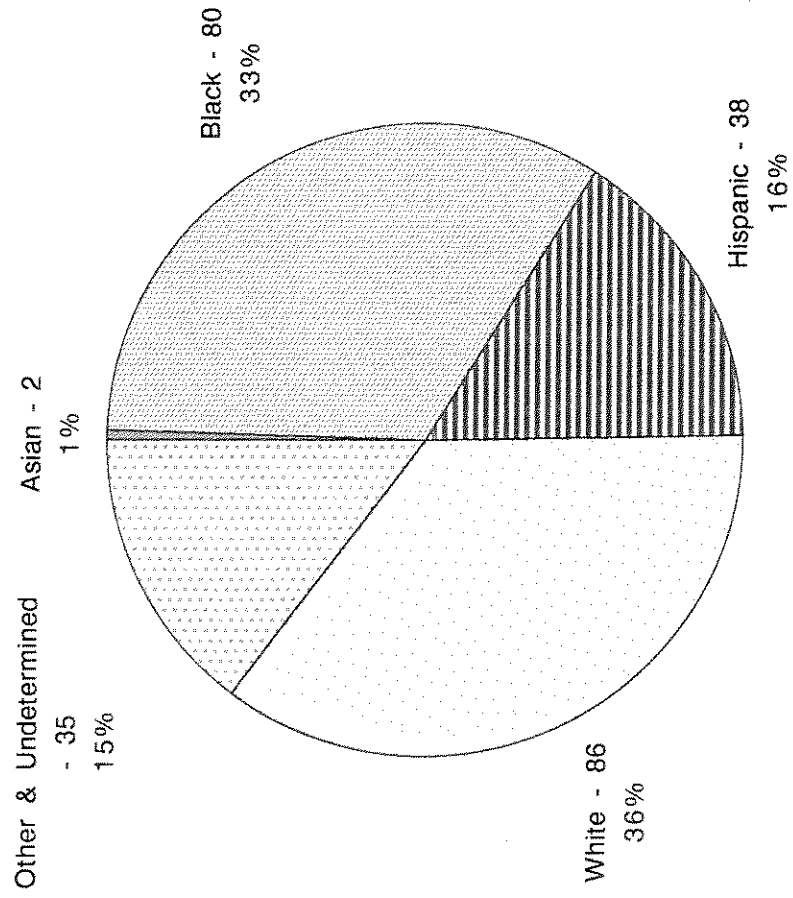
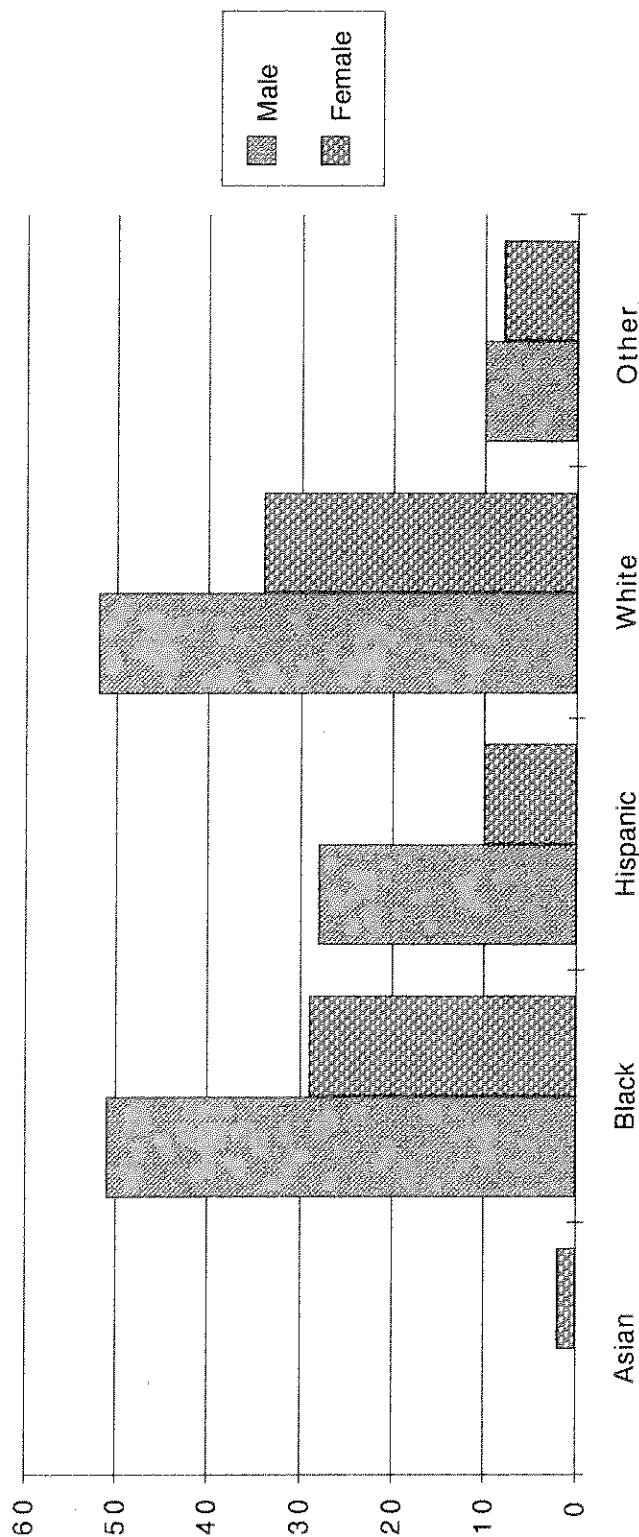


Figure 5

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Figure 6

Gender/Race of Complainants



	Asian	Black	Hispanic	White	Other
Male	0	51	28	52	10
Female	2	29	10	34	8
Total	2	80	38	86	18

(17 Undetermined)

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Population Demographics Comparison

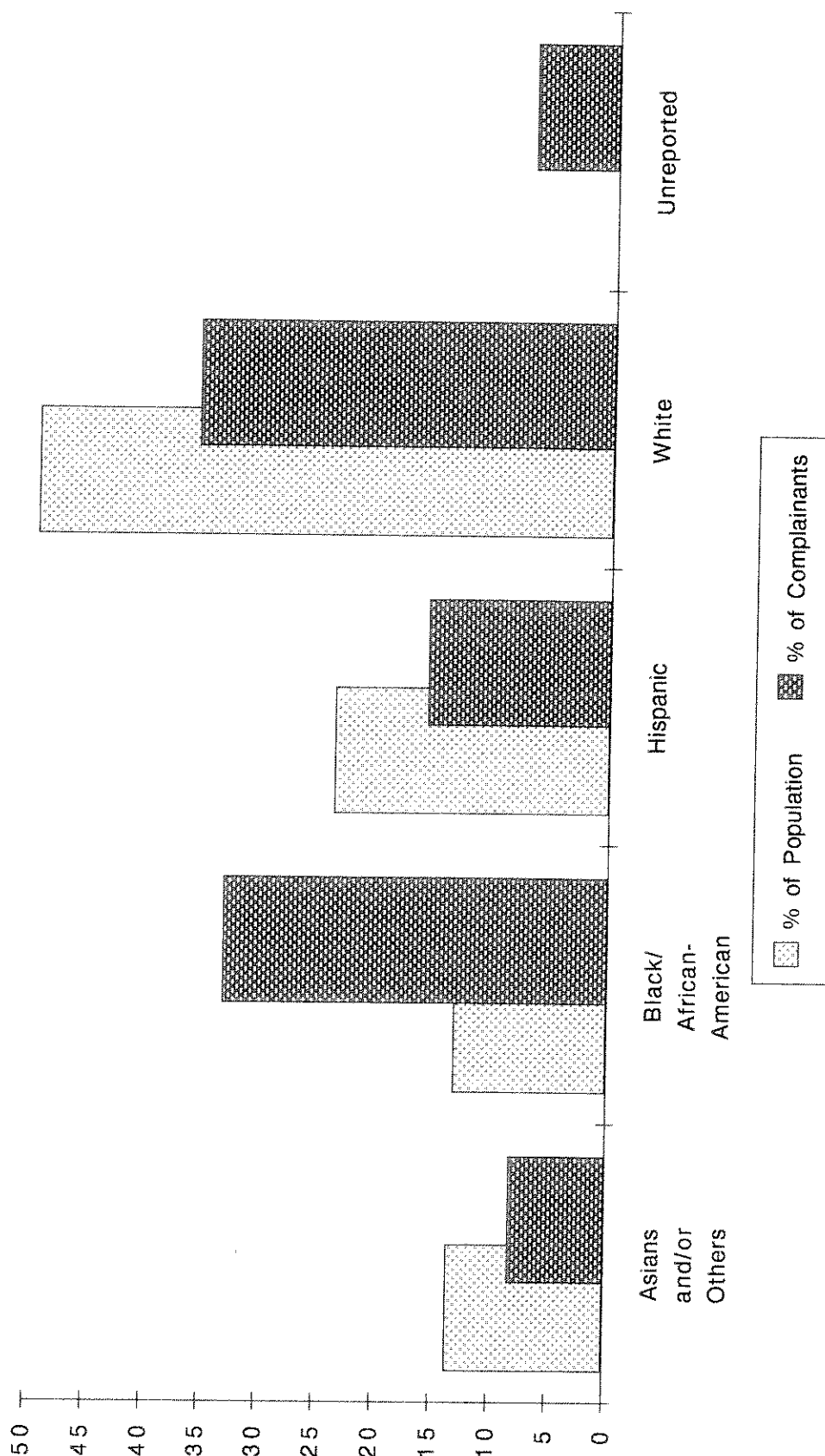


Figure 7-A

CITIZEN POLICE COMPLAINT COMMISSION 1993 Annual Report

Population Demographics

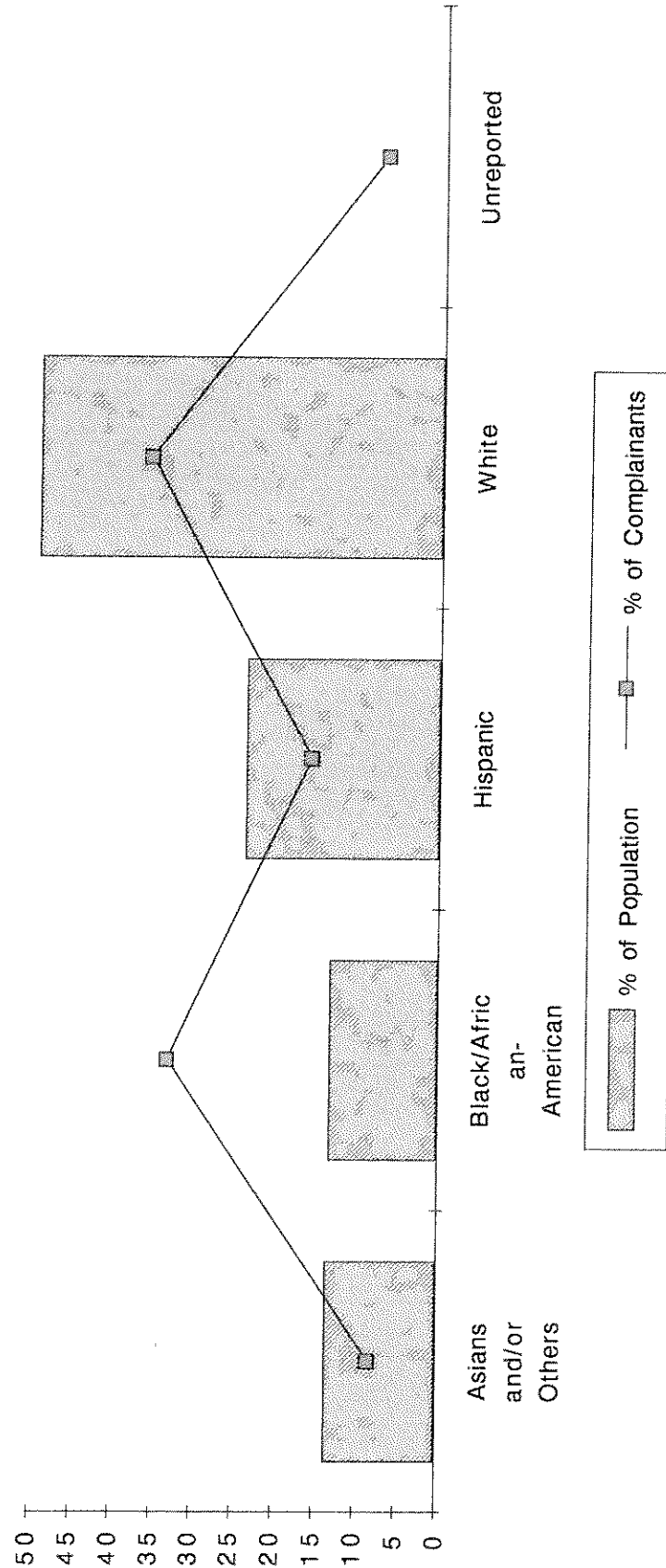
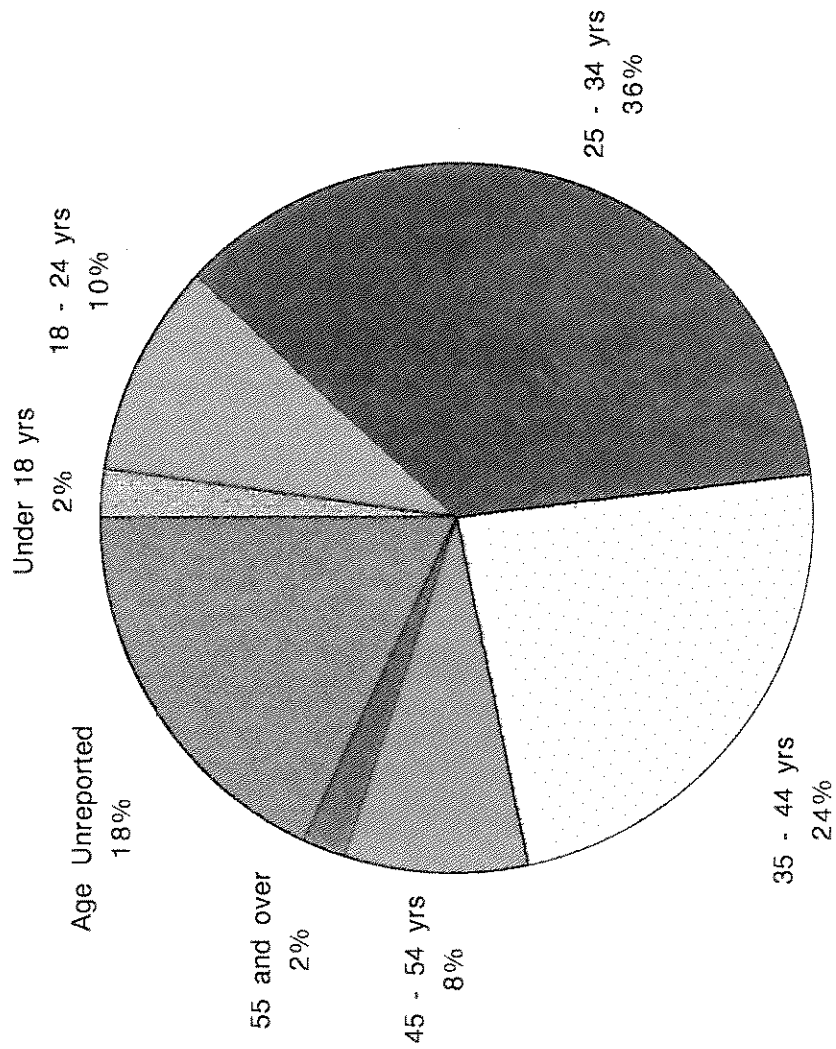


Figure 7-B

CITIZEN POLICE COMPLAINT COMMISSION
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Age of Complainants



Under 18	6
18 - 24 yrs	23
25 - 34 yrs	87
35 - 44 yrs	57
45 - 54 yrs	20
55 and over	5
Age Unreported	43
Total	241

Figure 8

CITIZEN POLICE COMPLAINT COMMISSION
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Complainants Arrested

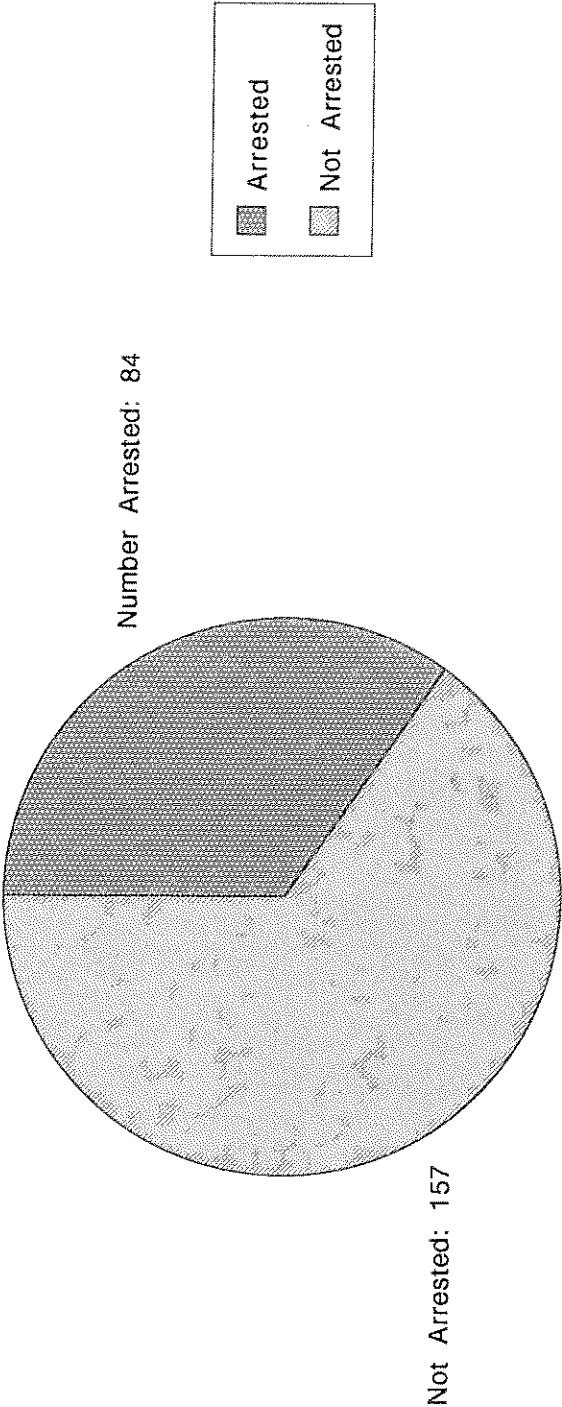


Figure 9

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Total Number of Complainants Injured: 55

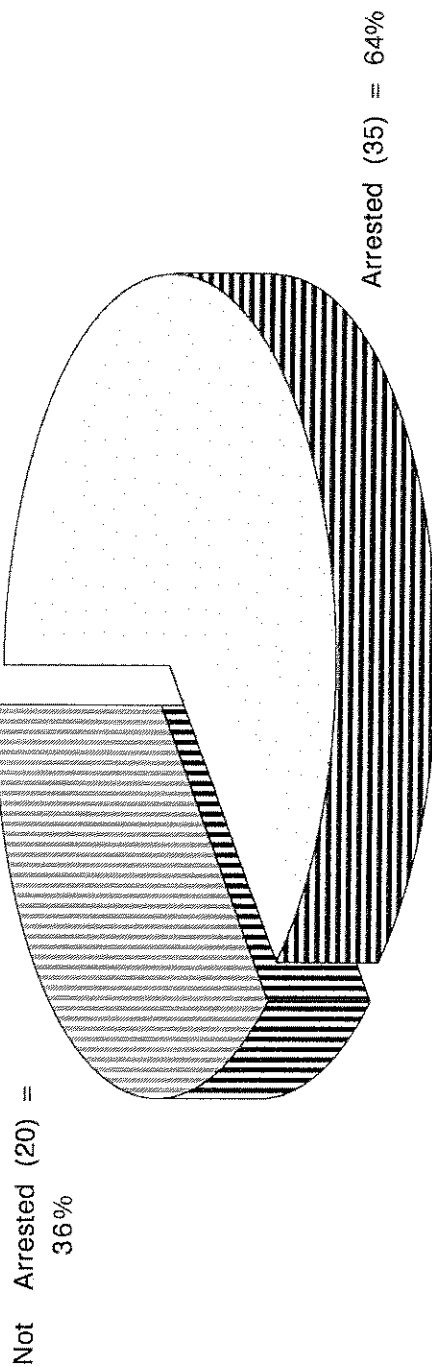


Figure 10

